

I submit the following comments in response to the Localism Notice of Proposed Rulemaking (the "NPRM"), released Jan. 24, 2008, in MB Docket No. 04-233.

Your rules must NOT violate First Amendment rights. A number of the above mentioned proposals discussed would do so – and should not be adopted.

(1) The FCC must not force radio stations, especially religious broadcasters, to take advice from people who do not share their values. Community advisory boards should NOT regulate what is transmitted on the air. This is paramount to allowing a small number of individuals dictate what can or cannot be said. There is no way to insure that such a board is a fair indicator of the communities views. Any group of people no matter how large or small will have differing opinions on religion, music, current affairs, etc. You simply cannot have a "group" decide what the masses listen to. This advisory board would impose unconstitutional mandates. Religious broadcasters who resist advice from those who don't share their values could face increased harassment, complaints and even loss of license for choosing to follow their own consciences, rather than allowing incompatible viewpoints to shape their programming. The First Amendment prohibits government, including the FCC, from dictating what viewpoints a broadcaster, particularly a religious broadcaster, must present. The way radio polices itself is that if the community doesn't like it, they don't listen and the radio station goes out of business. No further community group is needed.

(2) The FCC must not turn every radio station into a public forum where anyone and everyone has rights to air time. Proposed public access requirements would do so – even if a religious broadcaster conscientiously objects to the message. The First Amendment forbids imposition of message delivery mandates on any religion.

(3) The FCC must not force revelation of specific editorial decision-making information. The choice of programming, especially religious programming, is not properly dictated by any government agency – and proposals to force reporting on such things as who produced what programs would intrude on constitutionally-protected editorial choices.

(4) The FCC must not establish a two-tiered renewal system in which certain licensees would be automatically barred from routine renewal application processing. The proposed mandatory special renewal review of certain classes of applicants by the Commissioners themselves would amount to coercion of religious broadcasters. Those who stay true to their consciences and present only the messages they correspond to their beliefs could face long, expensive and potentially ruinous renewal proceedings. This is an unfair burden on those classes and illegally affects their rights.

(5) The Commission proposes to substantially raising costs of broadcasting in two ways: (a) by requiring staff presence whenever a station is on the air and, (b) by further restricting main studio location choices. In this age of technological advances, this seems to be a huge step back. What difference does it make whether staff is present as long as the station isn't dead air. Further, why should the FCC be involved in the main studio locations. This seems unreasonably interfering and places an undue burden on the smaller and the not for profit stations. Raising costs with these proposals would force service cutbacks – and curtailed service is contrary to the public interest.

We urge the FCC not to adopt rules, procedures or policies discussed above.